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PAPERS

Relating to the

Quakers TYTHE BILL:

VIZ.

I. EXTRACTS from the yearly Epistles of Meeting of *Quakers*, held in *London* relating to TYTHES.

II. REMARKS upon a *Bill now depending in Parliament, to enlarge, amend, and render more effectual the Laws now in being for the more easy Recovery of* Tythes, Church-rates, *and* Oblations, *and other* Ecclesiastical Dues *from the People called* QUAKERS: And also Remarks upon a printed Paper, intitled, The Case of the People called QUAKERS.

III. THE *Country Parson*'s Plea against the *Quakers* Tythe Bill: Humbly addressed to the Commons of *Great-Britain* assembled in Parliament.

IV. THE Case of the People called QUAKERS.

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PAPERS

Relating to the

Quakers TYTHE BILL.

No. I. EXTRACTS *from the yearly Epiſtles of Meeting of* Quakers, *held in* London *relating to* TYTHES.

AT a Time when the *Quakers* are deſiring a very uncommon Favour from the Parliament, in relation to their Tythes, it cannot be improper to inform the Publick, from their own Declarations, made in the moſt ſolemn Manner, what their true Sentiments and real Views are, with reſpect to Tythes.

The common Suppoſition is, That the *Quakers* mean by their preſent Attempt no Injury to the Clergy, nor to defraud them of their juſt and legal Rights; but deſire only an eaſy and unexpenſive Way of being forced to that Compliance with the Law, which their Conſciences will not permit them to yield willingly.

But whether the *Quakers* mean no more than this, or will be contented with this, if it ſhould be granted them, may be beſt learned from themſelves.

It is the Cuſtom of the *Quakers* to ſend from their yearly Meeting in *London* an Epiſtle to their diſtant Friends, adviſing them in Matters of Importance to their common Intereſt. I have before me five of theſe Epiſtles:

That of 1731. is intituled,

" The Epiſtle from the yearly Meeting held in " *London* by Adjournment, from the 7th to " the 11th Day of the fourth Month, 1731. " incluſive, to the Quarterly and Monthly " Meetings of Friends and Brethren, in " *Great Britain*, *Ireland*, and elſewhere.

It concludes thus:

" Signed in and on Behalf of the yearly Meeting,

" By *William Williamſon*,
" Clerk to the Meeting this Year.

The Titles of the other four are *mutatis mutandis* the ſame.

That of 1732. is ſigned in the ſame Form,
by *Edmund Gurney*.
That of 1733. . . . . by *John Moore*.
That of 1734. . . . . by *Daniel Vandewall*.
That of 1735. . . . . by *Edmund Gurney*.

What follows relating to Tythes, is tranſcribed *Verbatim* from the ſaid Epiſtles.

* " And, dear Friends, an earneſt Travail and " Concern of Mind remains upon the Spirit of " many Brethren, in order to excite all Friends, " who make Profeſſion of Truth with us, to ſtand " faithful in that our ancient and Chriſtian Teſti- " mony againſt Tythes of all Kinds (as well as " Church-Rates, ſo called) according to the ſeve- " ral former Advices of this Meeting, particularly " that in the Year 1706."

† " And, dear Brethren, inaſmuch as it has been " the frequent Practice of this Meeting to recom- " mend to the ſeveral Quarterly and Monthly " Meetings, tenderly to adviſe, and earneſtly to " exhort Friends to be careful in bearing a faith-

* *Epiſt.* 1731. † *Epiſt.* 1732.

" ful

" ful Teſtimony againſt the Antichriſtian Yoke of
" Tythes, Prieſts Maintenance, and Church-Rates,
" ſo called; the Want whereof in ſome Places,
" hath tended to the Uneaſineſs and Sorrow of
" many Brethren, and added to the Sufferings of
" ſuch as have ſtood faithful in this our ancient and
" Chriſtian Teſtimony; and that the ſame may be
" amended for the Time to come; this Meeting
" doth again earneſtly recommend to the ſeveral
" Quarterly and Monthly Meetings, in the Love
" of Truth, tenderly to adviſe and exhort their
" reſpective Members to ſtand faithful in that
" Teſtimony; and where any Friends are found
" weak and deficient therein, that they deal with
" ſuch in the Spirit of Love and Wiſdom, accord-
" ing to former Advices in this Meeting, particu-
" larly that in the Year 1706.

" It is alſo the earneſt Deſire of this Meeting,---
" that all Quarterly and Monthly Meetings be
" careful to adviſe their reſpective Members to
" bring in the Accounts of their Sufferings, *&c.*
" that they may be duly recorded, and brought
" yearly to this Meeting, agreeable to our Epiſtle
" 1687.

* " And, dear Friends, this Meeting obſerving a
" Remiſneſs in ſome Places in reſpect to our
" Teſtimony againſt that Antichriſtian Yoke of
" Tythes, an earneſt Concern and Zeal has been
" on the Minds of Friends, that all might be exci-
" ted and ſtirred up to Faithfulneſs therein. In
" order thereunto, we think neceſſary to put you
" in mind, that the Zeal of our Friends, who have
" abode faithful in their Teſtimony againſt paying
" Tythes, Steeple-houſe Rates, and Prieſts Main-
" tenance, has greatly tended to the opening the
" Eyes of many, not only in this, but alſo in other
" Countries. We received laſt Year an Account
" from *New-England*, where our Friends formerly

* *Epiſt.* 1733.

" under-

" underwent grievous Sufferings, that a Law is " made exempting them from paying either to the " Maintenance of the eſtabliſhed Miniſters, or the " repairing their Worſhip Houſes: And it is our " Belief, that if all Friends here had been faithful " in their Teſtimony againſt Tythes, the Time of " our Deliverance from that Oppreſſion, under " which this Nation yet groans, would have been " nearer at hand. We do therefore earneſtly " exhort a cloſe coming up in that, and every " other Branch of our Teſtimony, tending to the " Promotion of Goſpel Liberty, which it has been " our Concern, ever ſince we were a People, thro' " manifold Sufferings, to maintain. And if any " Weakneſs or Unfaithfulneſs ſhall appear among " the Profeſſors of the Truth, we hope faithful " Friends and Brethren will not be wanting to " adminiſter Help and Admonition, in the Love " and Counſel of GOD, as they ſhall ſee Occaſion, " for the reſtoring and ſtrengthening of ſuch, " according to the Advice given by the Apoſtle, " *Gal.* vi. 1. *Brethren, if a Man be overtaken in a* " *Fault, ye which are ſpiritual, reſtore ſuch an one* " *in the Spirit of Meekneſs.*"

* " And, dear Friends, for the ſake of thoſe " particular Perſons in ſome Places, who yet con- " tinue remiſs in maintaining their Teſtimony " againſt the Antichriſtian Yoke of Tythes, we " think it neceſſary to repeat the Advice given laſt " Year, That Friends, as they ſhall ſee Occaſion, " in the Wiſdom of GOD, would admoniſh ſuch, " and in a Spirit of Love and Meekneſs endeavour " to help and ſtrengthen them, and to excite and " ſtir them up to Faithfulneſs in that Branch of " our antient Teſtimony."

† " And, dear Friends, as it hath been the Con- " cern of this Meeting frequently to adviſe, that " Friends ſhould ſtand faithful in their Teſtimony

* *Epiſt.* 1734. † *Epiſt.* 1735. Advice concerning Tythes.

" againſt

" againſt that Antichriſtian Yoke of Tythes, ſo " we do now renew our Advice in that reſpect.

" And we earneſtly intreat the Faithful among " you, to take all ſuitable Opportunities of endea- " vouring to demonſtrate, to ſuch as are weak and " unfaithful, the Importance of our Teſtimony " againſt receiving or paying of Tythes; *the na-* " *tural Tendency* whereof is, to obtain that Liberty " which the pureſt Ages of Chriſtianity enjoyed; " that is, a Liberty for *any Perſon*, moved by the " Holy Spirit of God, to preach the Doctrine of " the glorious Goſpel of our Lord and Saviour " Jeſus Chriſt freely, and of which they were " not deprived till ſuch time as great Corrup- " tions of Doctrine and Practice were found " amongſt the Profeſſors of Chriſtianity, and the " Civil Powers were prevailed upon to meddle with " the Conſciences of the People, which of Right " are to be ſubject to GOD only.

" We cannot therefore but bleſs the Lord, from " an experimental witneſſing of the Comfort and " ſpiritual Advantage which ariſes from ſuch a " Liberty, that he was pleaſed to raiſe up our " worthy Elders, and to give them a Teſtimony " againſt that Antichriſtian Yoke, making them " willing, in this and other Nations, to ſuffer for " that Teſtimony; thereby ſhewing to the World, " what the Love of Chriſt is able to do; for we " believe, nothing ſhort of that Love could have " enabled them to ſuffer the Spoil of their Goods, " and the long Impriſonment of their Bodies, even " unto Death, as ſome of them did, for their con- " ſcientious Refuſal to pay Tythes: And we have " Reaſon to believe, that if all amongſt us had " followed their Example, by abiding faithful in " this our Chriſtian Teſtimony, we might before " this Time have been in a great meaſure relieved " from under that Oppreſſion."

Theſe

Theſe Paſſages ſpeak as plainly for themſelves, as any body can ſpeak for them. If you ask, Why all this Earneſtneſs to keep up the Oppoſition? Why all this Concern to exhort Friends to ſuffer? Why all this lamenting over thoſe, who had brought their Conſciences to comply with the Law of their Country? You may ſee the true Reaſon in the Epiſtle 1733.

They tell you, that *the Zeal of Friends, who have abode faithful in their Teſtimony againſt paying Tythes, Steeple-houſe Rates, and Prieſts Maintenance, has greatly tended to the opening the Eyes of many, not only in this, but alſo in other Countries.*

What they here mean by *opening the Eyes of many*, appears by the Inſtance they give from *New England.* It ſeems, the *Eyes* of the *Government* were ſo *opened* there, that the *Quakers* obtained a Law *for exempting them from paying either to the Maintenance of the eſtabliſhed Miniſters, or the repairing their Worſhip Houſes.*

And they tell their Friends, that had they perſiſted with equal Zeal to bear their Teſtimony againſt Tythes, *&c.* the Eyes of the Government *here* might have been very near *opening* too. Their own Words are; *It is our Belief, that if all Friends here had been faithful in their Teſtimony againſt Tythes, the Time of our Deliverance from the Oppreſſion under which this Nation yet groans, would have been nearer at hand. We* therefore *earneſtly exhort a* cloſe coming up *in that——Branch of our Teſtimony.*

Thus the Caſe ſtood with them in 1734.

In 1735. they declare it to be their Opinion, that if all among them had imitated the Example of thoſe who *ſuffered the Spoil of their Goods, and the long Impriſonment of their Bodies, even to Death, ——they might before this Time have been in a great meaſure relieved from their Oppreſſions.*

You

You see how strongly they call upon their Friends to stand out, even *to Death*, against paying Tythes. And why? Is it not plainly, that their Leaders and Directors above might with a better Grace complain to Parliament?

They have now complained to Parliament of their *grievous Sufferings by Prosecutions*, &c. and yet they yearly complain of their Friends, that they do not suffer enough. —— So much did they want Matter for just Complaint.

In this last Year's Epistle they open their Views yet farther to their Friends, and let them into a Secret, That their Zeal against Tythes has *a natural Tendency to obtain —— a Liberty for any Person moved by the Holy Spirit of God, to preach the Doctrine*, &c. *i. e.* it tends to destroy the Christian Ministry, and all Establishments. —— These are they, who are supposed to mean no Wrong to the Minister, and to desire only that he may recover his Tythes in a Way not oppressive to the *Quakers!*

Judge now, whether the Continuance of the Obstinacy of many *Quakers* in the Country, in the Matter of Tythes, be not owing in great measure to the vehement Exhortations of their General Meetings.

Judge likewise, whether the *Quakers* can approve the present Proposition in their Favour, any otherwise than as it is one Step (and a great one it may prove) to their being totally exempted from paying Tythes and Steeple-house Rates.

NUMBER II.

REMARKS *upon a* BILL *now depending in Parliament*, to enlarge, amend, and render more effectual the Laws now in being, for the more eaſy Recovery of Tythes, Church-rates and Oblations, and other Eccleſiaſtical Dues from the People called QUAKERS: *And alſo, Remarks upon a printed Paper, intitled*, The Caſe of the People called QUAKERS.

IN the Parliament of the 7th and 8th of *Will.* 3. there was an Act paſs'd, for the Recovery of *Tythes* and *Church-Rates*, not exceeding the Value of Ten Pounds, due from *Quakers* who ſhall refuſe to pay the ſame. Which Act was, in the firſt Year of his late Majeſty's Reign, extended to all cuſtomary or other Rights, Dues, or Payments belonging to any Church or Chapel.

Theſe Acts, which are now in Force, provide a *ſummary Method* of recovering Tythes, Church-Rates, *&c.* due from *Quakers*, *i. e.* by Warrant from two Juſtices of the Peace, with an Appeal from their Judgment to the Quarter-Seſſions; but the Acts leave the Clergy and Lay-Impropriators wholly at Liberty, either to take that ſummary Method, or ſuch other *legal* and *ordinary* Methods, as the Laws of the Land have directed.

Under

Under this Benefit of *chuſing* the Method which was lik'd beſt, the Biſhops and Clergy of thoſe Times could have no Objection againſt the two foremention'd Acts; becauſe, if in any Caſe the Clergy ſhould find Reaſon to ſuſpect *Prejudices* or *Influences* in the ſummary Way, they were left at full Liberty to proſecute their Right in the other Ways. But as the Deſign of the Bill now depending in Parliament, is to deprive the Clergy of that *Liberty*, and to confine them, abſolutely, to the new Methods of Recovery firſt created by thoſe two Acts, they have Reaſon to apprehend great Inconveniencies from it.

The *Quakers* are known to be a People, who have a Sort of National Government among themſelves. They have their ſtated Meetings within particular Diſtricts in the Country; and, in *London*, a yearly Meeting of Deputies or Repreſentatives from all Parts of the Kingdom, to treat of the general Concerns of the Body; and a Committee of particular Perſons reſiding in or near *London*, to maintain a conſtant Correſpondence with their Brethren all over the Kingdom. This united Strength, and the Power they are known to have to direct the Application of it to ſuch Perſons and Purpoſes as they think fit, gives them great *Influence* in Counties and Boroughs.

By both the forementioned Acts, the Tythes are ſuppoſed to be *carried away*; for, according to the Principles of the *Quakers*, Tythes may no more be *ſet out*, than *paid*. And as there may be a *Latitude* in fixing the true Value of the Tythes when carried away, ſo the Clergy may have good Reaſon to conſider, in particular Caſes and Circumſtances, that ſuch a Latitude is leaſt likely to be taken, by Judges who have ſtated *Rules* of Proceeding; and who are not only *ſworn* to do Right, but to whom alſo the Parties are equally

unknown and *unſerviceable.* For which Reaſon, it is ſpecially provided by Act of Parliament (33 *H.* 8. c. 24.) "That no Juſtice ſhall be "Juſtice of Aſſize, in the County where he "was *born*, or doth *inhabit*;" and this, not from any Suſpicion of his Integrity, but leſt his *Judgment* itſelf ſhould be biaſs'd.

As the Laws ſtand at preſent, ſeveral of the *Quakers*, knowing that it is in the Power of the Incumbent to proſecute them in the Exchequer or Eccleſiaſtical Court, find Ways of ſatisfying him, by themſelves or their Friends, in ſome other Shapes than a *direct Payment* of Tythe. But this is not to be expected, if the worſt they have to fear, is the paying the bare Value of the Tythe, according to the Eſtimate to be made of it by the Juſtices at the Quarter Seſſions, *with ſuch Coſts as to them ſhall ſeem juſt and reaſonable.*

The *Quakers*, to induce the Legiſlature to take from the Clergy the legal Remedies which the two forementioned Acts leave them at full Liberty to purſue, have repreſented their Caſe in a printed Paper, as follows:

"Theſe Acts [meaning the Acts beforemen-
"tion'd] 'tis humbly conceived, were intended
"not only for the Eaſe of the Proſecutor, but
"alſo to prevent Oppreſſive and Ruinous Proſe-
"cutions.

"Notwithſtanding which, there have been pro-
"ſecuted in the *Exchequer*, *Eccleſiaſtical*, and
"other *Courts*, in *England* and *Wales*, for De-
"mands recoverable by the ſaid Acts, above
"Eleven Hundred of the People called *Quakers*,
"of whom near Three Hundred were commit-
"ted to Priſon, and ſeveral of them died Pri-
"ſoners.

"Theſe Proſecutions, though frequently com-
"menced for trivial Sums, from *Four Pence* to

"*Five*

" *Five Shillings*, and great Part of them for Sums " not exceeding *Forty Shillings*, have been attend- " ed with such heavy Costs, and rigorous Execu- " tions, that about *Eight Hundred Pounds* has been " taken from Ten of them, where the Original " Demands did not amount to *Fifteen Pounds.*"

These Suggestions, as they are laid, will be generally understood as a Reproach upon the Clergy. Whereas, many of the Prosecutions may have been by *Lay-Impropriators*, and many others for Church-Rates at the Suit of *Church-wardens*; such Rates being made recoverable before the Justices, as well as Tythes; and the *Quakers*, in their Paper as above, do not say, *Demands of Tythes*, but *Demands recoverable by the said Acts.* And as to such of them as have been really at the Suit of the *Clergy*; it is by no Means probable that many are to be found in that Body, who will *chuse* a long and expensive Method for the Recovery of their Rights, if they think they may be recover'd in a shorter and less expensive Way.

But suppose the *Numbers* of such Prosecutions, which have been carried on since the passing of the two Acts, to be truly stated by the *Quakers*, and that *all* the Demands were such as *might* have been recover'd by those Acts (for both which Facts, we have only their own Word,) yet no Judgment can be made, whether the Motives upon which either the Clergy or Lay-Improprietors declin'd one Method, and chose the other, were reasonable or unreasonable, unless the *Circumstances* of the particular Cases were known; which cannot so much as be enquir'd into, till the *Quakers* give a particular Specification of the *Causes*, *Persons*, *Places*, and *Times*.

Their supposing that the more tedious and expensive Method has been, and will be, made Choice of out of *Ill-will*, *Malice*, or *Revenge*, is a heavy

a heavy Imputation; and it is no more than common Juſtice, that the Clergy ſhould have an Opportunity to vindicate themſelves from ſo foul a Charge. And ſince the *Fitneſs* of paſſing ſuch a Bill as is now deſired, depends not upon the Numbers of ſuch Proſecutions, but reſts wholly upon the Suppoſition that they have been begun and carried on upon ſuch *undue* Motives; it is to be hop'd, that the Legiſlature will not deprive the Clergy of any Remedy which the Laws of the Land have given them, upon a bare *Surmiſe* of the *Quakers*; without any ſuch Specification of Facts, as might give an Opportunity to enquire into the ſeveral Dioceſes, into the *Truth* of them, and into the *Circumſtances* of thoſe *Suits*, and *Impriſonments*, which are made the Subject Matter of Complaint.

NUMBER III.

The Country Parſon's PLEA, *againſt the* Quakers *Bill for* TYTHES: *Humbly addreſſed to the Honourable the Commons of* Great-Britain, *in Parliament aſſembled.*

Moſt Honoured,

IT is preſumed, that it is no Offence for the Meaneſt to offer Reaſons to the Greateſt: Nor a Reproach to any Man to have a reaſonable Concern for his own Property.

Truſting to theſe Preſumptions, I make bold to lay my Caſe before you, in relation to the Bill now depending for Quakers Tythes.

As I am a Subject of *Great-Britain*, as well as a Miniſter of the Goſpel, I have a Birthright in the Law, and in having all Queſtions, relating to my Property, determined in the Methods of Juſtice uſed in this Kingdom, and not referred to an arbitrary Deciſion; *Nulli negabimus Juſtitiam* is the Language of *Magna Charta*.

I envy the Quakers no Eaſe you intend to give them, or can give them, provided it does not injure my Property; but I apprehend this Bill will be greatly injurious to me, for the following Reaſons:

By

By the common Law of the Kingdom, as it ſtood before any Statutes were made in Aid of Tythes, and as it now ſtands, I conceive myſelf to have the following Rights;

1. I have a Right to receive in Kind, and to my own Uſe, the due and accuſtomed Tythes ariſing in my Pariſh.

2. I have a Right to lett them to the Occupier of the Land, or to any other Perſon, at ſuch Price as I can agree for; and no Man has a Right to hinder me taking my Tythes in Kind, or to ſet a Value on them, if I think fit to lett them.

Theſe Rights are common ones, and ſuch as every Man in the Kingdom has over his own Property; I claim them not as peculiar to the Clergy.

If the Bill now before you paſſes into a Law, theſe Rights will be taken from me, who have not, I conceive, forfeited them; and transferred to others, who have not, I conceive, any Title to them. For,

1. No Quaker will, after ſuch a Law made, ever ſet out his Tythes, but will retain them to his own Uſe; and I ſhall be debarred having them in Kind, how neceſſary ſoever they may be to my own and my Family's Subſiſtance.

This will appear undeniably, by conſidering how the Law, in conjunction with the Quakers Conſcience, will operate in this Caſe.

By Law the Parſon cannot ſet out his own Tythe, and carry it away, but the Occupier of the Land muſt ſet out the Tythe; and if the Parſon intermeddles with the Corn before the Occupier hath ſet out the Tythe, he is liable to an Action.

The

The Quaker's Conſcience will not permit him to ſet out the Tythe: So that what with the Law on one Side, and the Quaker's Conſcience on the other, no Tythe can ever be ſet out in this Caſe.

2. When the Quaker has poſſeſſed himſelf, contrary to Law and good Conſcience, of my Property, he will be ſubject to none of the Laws now in being, made for the Reſtraint of ſuch Injuſtice.

3. If I *ſue* for the Value of my Tythes, as the Bill intends I ſhould; yet even for the Value I am referred to an arbitrary Deciſion in the Country.

4. Conſequently, I ſhall have a Property left in me by Law; but ſuch an one as I cannot take to my own Uſe, nor ſet a Price on to any other Perſon.

Is there any other Property in the Kingdom in the ſame Caſe? Or, is it fit there ſhould be?

The Quakers are great Traders; Will they be content that their Neighbours ſhould ſerve themſelves with Goods out of their Shops and Warehouſes, and bid them go to the next Juſtice to ſet the Price on the Goods ſo taken?

But the Bill now before you being founded upon the Acts in the 7th and 8th of King *William*, which were Temporary Laws at firſt, and are now, having been found wholſome and beneficial Laws, made perpetual; it will be proper to conſider the Difference of thoſe Laws and this now propoſed.

The Difference is the wideſt that can be.

1. The Acts of King *William* were made in Support of Property, and gave easy Relief to the Person injured, as all just Laws ought to do.

2. The present Bill, if it ever is a Law, will be to the Injury of Property, and the Owner thereof; and will give Relief to the injurious Person only.

This will appear, by considering;

1. That the Acts of King *William* took no Benefit of the Law from me. They provided an easy Remedy for the Recovery of small Tythes and Quakers Tythes; but did not shut up the King's Courts against me, but left me at Liberty to take the new Method, or to resort, if it was necessary, to the old ones.

For this I had Reason to be thankful; and have chosen always the new Method for my own, Sake and my Neighbours Sake. But,

2. The present Bill takes from me the Benefit of the Law for the Recovery of my Property, and for restraining Injuries done to it; and refers me for Recovery of my Right to an arbitrary Decision, contrary, as I conceive, to the Genius of this free Government; and gives Security and Impunity to the Person who injures me, contrary, as I conceive, to natural Justice.

To explain this a little farther:

1. When I had my Choice of applying to the Law, or to the Justice of Peace, to recover my Due, the Quaker, as he had no Reason to expect

that

that I ſhould give up the Maintenance of myſelf and Family to his Scruples, had Reaſon to thank me that I took the eaſieſt Method to him; and, if my Demand for the Value of the Tythe ſubtracted, was reaſonable, he had no Temptation to controvert it; for he well knew, that if by any undue Application he injured me once in this Method, the Conſequence would be, that he would be expoſed in the next Inſtance to a Proſecution at Law. And probably the few Proſecutions at Law, which have been againſt Quakers, may have been occaſioned in this Manner.

2. For the ſame Reaſon the Juſtice could have no View but to do Right between the Parties; this Power could not be uſed to court the Quakers Intereſt in Elections, (which is a great one); for it would do but one, and for once it was not worth the while.

But if this Bill paſſes, the Caſe will be alter'd in theſe Reſpects: For,

3. The Quaker knowing that I have no Reſort to the Law, but muſt be concluded by the Juſtices in the Country, will not only keep my Tythe from me, but will uſe all his Art and Application to reduce the Value by the Judgment in the Country, which at preſent it is not his Intereſt to do.

4. The Juſtices in the Country will be under a Temptation to uſe this Power to cultivate an Election-Intereſt.

Many Quakers are Freeholders, and as they are great Dealers, have Influence over many others, and will act as one Man in Oppoſition to the Parſon.

I have but one Vote for the County, and no Intereſt.

5. By this Bill I muſt be ty'd down for the Value of my Tythes by the Judgment of the Gentlemen out of whoſe Lands the Tythe ariſes, and whoſe Tenants pay it: And it is a legal Objection againſt a Juryman, that he has an Intereſt in the Cauſe, tho' his Honour and Integrity be otherwiſe unſuſpected.

6. The Appeal to the Quarter Seſſions will be little Comfort to the poor Parſon; who muſt appeal againſt the two Juſtices who gave the Sentence, as well as againſt the Quaker who withheld his Tythe. The two Juſtices will be on the Bench at the Quarter Seſſions: or if they are not, it may happen that their Brother Juſtices may think it more expedient that a Parſon ſhould loſe 40 or 50 Shillings, (a great Part of the Demand) than that two worthy Gentlemen, Juſtices of the Peace, ſhould be ſuſpected of Partiality.

7. The Bill extending to all Tythes under Ten Pounds Value, will take in at leaſt two Thirds of the Tythes of *England*. It commonly is the Caſe that there are two or three large Farms in a Pariſh, and that the reſt is held by ſmall Freeholders, or by little Farmers, who together hold two Thirds of the Land or thereabouts, and pay each under Ten Pounds for Tythes. In Countries where

where Farms are generally ſmall, as in the *North* and in *Wales* they are, the Bill will take in the whole Property of the Clergy.

If two Thirds of the Tythes of *England* are to be, as they may be, ſubjected to an arbitrary Valuation in the Country; the other Third muſt ſubmit, and the Bill will probably, in Proceſs of Time, introduce a general *Modus decimandi* for the whole Kingdom.

Suppoſe, for Inſtance, that two or three Quakers in a Pariſh ſhould get a Judgment confirmed at Quarter-Seſſions, valuing the Tythe of their Corn at two Shillings, when indeed it was worth three or four *per* Acre: Is it to be thought, the reſt of the Pariſhioners will ever pay more? Will they not ſay, that the Judgment of the Quarter-Seſſions, the *Dernier Reſort* in the Caſe, ought to conclude the Parſon? What muſt I do then? Shall I take my Tythe in Kind? Can you think they will let me? when it is but putting on a broad Hat, and a ſhort Cravat, and they will be ſafe under the Protection of this Bill in keeping the Tythes to themſelves; and may laugh to ſee me travelling from the Juſtices to the Quarter Seſſions, and at laſt, after much Trouble and Charge, and paying them their Coſts, compelled to take the Quarter Seſſions Price. A few ſuch Inſtances in a County will make the Quarter Seſſions Price, a ſtanding Rule for the Value of Tythes in that County.

8. There has been formerly a Caſe not unlike the preſent Caſe; and it is worth obſerving in what manner your Anceſtors treated it.

1. About

1. About the 27th of *H.* 8. when the leſſer Monaſteries were deſtroyed, the People thought they might take a Share in the Revenues of the Church as well as the King. In what manner they reaſoned, I know not: But my Lord *Coke* obſerves, (2 *Inſtit.* 648.) *The Noiſe of the Diſſolution of Monaſteries in the Parliament holden 27th Year* H. 8. (*Laymen taking ſmall Occaſions to withdraw their Tythes*) *was the Occaſion of making the Stat.* 27 H. 8. *Cap.* 20. And it appears by an Injunction of the King's in 1538, about two Years after, That the People took upon them to withdraw their Tythes, when they diſapproved their Miniſter's Conduct. *Fox*'s *Act.* and *Mon.* 326.

2. In the 31ſt of *H.* 8. the greater Monaſteries were diſſolved; and the Tythes which belonged to them, were granted out by the King, and became Lay Fees.

This gave a new Handle for withdrawing Tythes. Many who had been perſuaded that they ought in Conſcience to pay Tythes to the Clergy, made no Conſcience of withholding their Tythes from Laymen; and they were the more encouraged, becauſe the Lay Impropriator had no Remedy. He could not ſue in the Eccleſiaſtical Court, being a Layman; nor in the King's Temporal Courts, for they did not ordinarily at that Time hold Plea of Tythes.

This Obſtinacy went ſo far, that, as it appears in the Acts, ſome Perſons did not only ſtand out the Proſecution, but did, after Sentence given, wilfully refuſe to pay their Tythes.

Conſider

Conſider now how the Parliament of that Time treated theſe Pretenſions.

1. They ſtile theſe Men *Evil-diſpoſed Perſons*, 27 H. 8. *Not regarding their Duties to Almighty God, and to the King*, 32 H. 8.

2. They did not diſcharge the proper Court from intermeddling in the Cauſes of theſe Perſons, but they ſtrengthened the Juriſdiction, and empowered any of the King's Council, or two Juſtices, upon Requeſt made to them, to aid the Court, by *attaching* the Perſon againſt whom ſuch Requeſt ſhall be made, and committing him to *Ward*, till he found Security to give due Obedience, *&c.* 27 *H.* 8.

3. The 32d *H.* 8. enables the Lay Impropriator to ſue in the Eccleſiaſtical Court; and *in caſe any Perſon or Perſons do, of his or their ungodly and perverſe Will and Mind, detain and withhold any Tythes or Offerings*, &c. the Statute gives the like Remedy againſt the Perſon, and like Aid to the Court as was given before by 27 *H.* 8.

4. But theſe two Statutes, after all the Force and Aid they had given to the Juriſdiction of the Court in Matter of Tythes, proved ineffectual; and the Reaſon, as may be gathered from the ſubſequent Statute of *Ed.* 6. was, That when the Farmer had ſubtracted his Tythe, the Parſon could ſue only for Damages, which depending on the Value of the Tythe ſubtracted, the Witneſſes, who were generally Farmers and Countrymen, did ſo undervalue the Tythes, that the Parſon, tho' he recovered againſt the Farmer, was ſure to be a great Sufferer by

by the Suit. Had Things been ſuffered to continue in this State, the Legiſlature ſaw that Tythes would ſink to Nothing, and the eſtabliſhed Miniſtry be left without Maintenance, by the Iniquity and Partiality of Witneſſes, when little could be recovered in proportion to the real Value of the Tythe ſubtracted, and that too, by a very great Expence at Law. Therefore

The Statute of the ſecond and third of *Ed. 6.* gave *a Forfeiture of the treble Value of the Tythes* in *one* Caſe, (as the Statute has been expounded) and gave *double Damages over and beſides the Coſts, Charges, and Expences* in another.

So far were the Legiſlature from thinking it reaſonable to ſubmit the Value of Tythes ſubtracted to the Evidence of Countrymen, that they gave the treble Damages, and double Damages with Coſts, *&c.* to ſecure the injured Perſon in all Events; for Witneſſes could not with Safety to themſelves in a Court of Juſtice bring the Value ſo low, but that treble the Sum would reach the true Value.

5. This laſt Statute wrought the deſired Effect. The treble Damages and double Damages, with Coſts of Suit, cured the *perverſe Will* complained of in the Statutes, and the People from that Time conſidered Tythes as due by the Law, and went on paying them, till the new Sect of Quakers aroſe, and pleaded Conſcience againſt paying Tythes due and accuſtomed according to Law.

We are now then once again in the Caſe which produced the three Statutes beforementioned.

And what is the Remedy now propoſed?

The

The Bill depending before you propoſes,

1. To take away the Juriſdiction of all the King's Courts in the Caſe of Quakers Tythes.

2. To repeal, as againſt the Quakers, the three Acts beforementioned.

3. To give the Quaker Liberty to take to his own Uſe the Tythes due to the Parſon.

4. To compel the Parſon to accept ſuch a Value for his Tythes, as the Juſtices ſhall think fit to ſet on them.

The former Acts were made *againſt* the Offender.

This will be in his *Favour.*

The former Acts were made to puniſh the Perſon who defrauded the Parſon of his Tythes.

This Bill will puniſh the Parſon, who is defrauded; and will encourage and ſupport the Quaker in ſetting up a Right, upon the Plea of Conſcience, to another Man's Eſtate.

I ſay, to *another Man's Eſtate*; and I wiſh the Quaker's Conſcience could be examined in this Point. Is he a *Land-owner?* Let him be asked, upon his Conſcience, Whether he paid any Conſideration to the Vender of the Land beyond the uſual Price, and upon Suppoſition that no Tythes would be due from his Land? Is he a *Farmer?*

Let him be asked, Whether *he* pays more Rent than *Churchmen* uſed to give for the Farm, in Conſideration of his paying no Tythe? If he cannot ſay, that he either bought, or hired the Tythe, (and he can ſay neither) what Title has he to it? He poſſeſſes himſelf of it, and cannot poſſibly ſhew any Right to it; and therefore there muſt needs be *another* Owner, who has a *juſt* Right to it; but the Quaker, it ſeems, cannot in *Conſcience* part with it; *i. e.* he cannot in Conſcience permit his Neighbour to have and enjoy *his own* Property.

Give me leave, on this Part of the Caſe, to make one general Obſervation.

To ſecure Property, is one main End of Government; and therefore all *Opinions*, all *Practices*, inconſiſtent with the Preſervation of Property, are alſo inconſiſtent with Government and Society. And I conceive, this is the only Inſtance of an Application to any Government in the known World, to countenance an Opinion, deſtructive to the Property of any of the Subjects.

But farther:

I. There is a Caſe of great Extent, and common Experience, for which the Bill provides no Remedy; that is, where the Tythes are ſubtracted, and the Parſon does not, perhaps cannot poſſibly, know the Value, ſo as to found a Demand.

The Parſon has no Right to go into the Pariſhioners Lands, which have no common Way thro' them: If he does, he is liable to be proſecuted for Treſpaſs. And it is not to be ſuppoſed, the Quaker's

Quaker's Conſcience will permit him to allow the Parſon to go into his Grounds, to examine the Value of his Tythes: It would be a Crime, in his Opinion, equal to ſetting them out. It may therefore be impoſſible for the Parſon to know the Value of the Quaker's Corn Tythe, and to make any Demand before the Juſtices for it. But with reſpect to ſmall Tythes, this is *neceſſarily* the Caſe; and therefore they are uſually compounded at a moderate Rate: But how ſhall the Parſon demand the Value of the Quaker's ſmall Tythes? It will not be ſuppoſed, ſurely, that the Parſon is to keep a Regiſter of all the Calves and Pigs born in the Pariſh; and if he would do it, how *can* he? He cannot go at all Times, or at any Time, into the Yards and Outhouſes of the Quaker, to watch when a Cow falls into Labour: How then is the Value to be demanded before the Juſtice? And, ſeeing I know not the Value, how ſhall I judge whether my Caſe falls under this Act, or is left at large, ſince *that* depends on the Value?

Suppoſe, for inſtance, that the Blank in the Bill ſhould be filled with 10 *l.* or any other Sum; for the Caſe will be the ſame; and I knowing the Tythes ſubtracted by the Quaker to be of the Value of 13 or 14 *l.* ſhould bring a Bill in the Exchequer; and the Value ſhould be there diſputed; and an Iſſue directed to try the Value; and the Verdict ſhould ſettle the Value at 9 *l.* 15 *s.* What will my Caſe be? The Bill ſays, No Tythes under Ten Pounds ſhall be *recoverable* in any Court. Conſequently I can have no Judgment upon the Verdict; but after an expenſive Suit, and a very partial Verdict, muſt go to the Juſtices in the

Country; and with little Hopes of obtaining more than the Jury gave.

As the Law now ſtands, the Parſon can bring a Bill of Diſcovery into Chancery, or in the Equity Side of the Exchequer; in which Caſe the Farmer is obliged to ſet out upon Oath his tytheable Matter, and the Value; and is liable to Proſecution for Perjury, if he is guilty of it. But is every Juſtice in the Kingdom to be erected into a Chancellor? If not, by what Proceeding ſhall the Parſon have a Diſcovery in theſe Caſes?

II. By Law, as it now ſtands, the Parſon may *Subpœna* all proper Witneſſes to give Evidence in his Cauſe; but this Bill takes from him this legal Means of Defence; if his Neighbours will go, it is well, he may get them if he can; but the Juſtice has no Power to compel them, and the Parſon is put to ſue for his undoubted Right, and the Aſſiſtance of the Law, to enable him to prove it is taken from him.

III. In the original Cauſe before the Juſtice, the Parſon is ſuppoſed to have juſt Cauſe of Complaint, and to recover, in ſome Shape or other, and to be intitled to Coſts.

It is probable he may ordinarily be the Appellant to the Quarter Seſſions, and Coſts may be againſt him: How is it that the Bill limits the Coſts in the firſt Inſtance, when the Parſon is to receive them, and leaves them arbitrary in the Second, when the Parſon may be to pay them?

IV. If

IV. If the Quaker or his Witneſſes give falſe Evidence before the Juſtice, and I bring an Information or Indictment againſt them, and fail to make a legal Proof, (as I eaſily may do) in that Caſe the Bill ſays, *The Defendant ſhall recover Treble Coſts.*

By the Statute of *Edward* VI. the *Quaker* is now liable to *Treble Damages* for not ſetting out my Tythes: By this Bill the Caſe is much alter'd; If the Quaker refuſes to ſet out his Tythes, and afterwards endeavours to defraud me in the Value by falſe Evidence, and I attempt to puniſh the Perjury, and fail in the legal Proof of it, *Treble Coſts* are given *againſt me.*

What is my Caſe now? My Tythe itſelf is gone without Remedy; I may be cheated in the Value by the Means of corrupt Witneſſes; and if I go a Step farther, it is at the Peril of paying Treble Coſts.

Is this equal Juſtice?

V. The Effect this Bill will have upon the Quakers themſelves, ought to be conſidered.

Great Part of them have bid Adieu to theſe unjuſtifiable Pretences of Conſcience; and yield their Tythes, or agree for them, as the reſt of their Neighbours do. But if this Bill paſſes in compliance to the obſtinate Part, thoſe who have ſubmitted to the Law of their Country muſt be aſhamed, and return to their old Pretence in compliance to the Obſtinate; who will be eſteemed as Confeſ-

Confeſſors, who by their Steadineſs have made the Law give way, and exalted their miſguided Conſciences above the Property of their Fellow Subjects.

VI. As to the Sufferings of the Quakers; in their own Caſe they reckon 1100 and upward, proſecuted for Demands recoverable by the Acts of the 7th and 8th of King *William*.

Church Rates as well as *Tythes* are recoverable by the ſaid Acts; and *Church Rates* are due in every Pariſh as well as *Tythes*.

Suppoſe then one half of the Proſecutions were, and probably more were, for Church Rates; for every Quaker as an Inhabitant of a Pariſh, is liable to Church Rates; but thoſe only who are Farmers, are liable to pay Tythe; there will remain 550 Proſecutions for Tythes in 40 Years ſince the making of the Act, that is, one Year with another, about 14.

The Pariſhes in *England* are near 10,000, and if you add Chapels and Curacies, they will not fall ſhort of 12,000; and conſidering that there is a Vicar, there is alſo an Impropriator equally concerned in this Caſe, we may add one Third to the Number, or about 3000, ſo that the whole Amount will be 15,000.

Upon their own ſhewing then, it appears, that there has been not quite one Quaker *per Annum* proſecuted in a Thouſand Pariſhes, *&c.*

Judge now whether the Clergy have not generally choſen the eaſieſt Method for recovering their Dues

Dues from the Quakers. If they had not, conſidering the Number of Quakers who will not pay till forced, the Proſecutions muſt have been more numerous.

This being the Caſe, there is great Probability, That if the Law is permitted to ſtand as it does at preſent, the Quakers will by degrees come off from their unreaſonable Scruples; and that, in the mean Time, every *wiſe Clergyman*, for his *own Sake*, and every *good Clergyman*, in Compaſſion to his Neighbour the *Quaker*, will take the eaſy and cheap Method preſcribed by the Acts of the 7th and 8th of King *William*, for the Recovery of his Dues.

But after all, if the Bill muſt paſs, let it by all Means be general; for what has the *Churchman* done, that he ſhould be left ſubject to the Proſecutions and Hardſhips at Law, from which it is thought reaſonable to relieve the *Quakers?* And for myſelf, I had much rather loſe my *Tythe*, than my *Tythe* and my *People* too.

NUMBER IV.

The CASE *of the* PEOPLE *called* QUAKERS.

IN the 7th and 8th Years of the Reign of King *William* the Third, An *Act* was paſſed for the more eaſie Recovery of *ſmall Tythes, Offerings, Oblations, Obventions* or *Compoſitions*, not exceeding the Yearly Value of *Forty Shillings*, from any One Perſon, in a ſummary Way by *Juſtice's Warrant*; which was continued by an *Act* of the 11th and 12th of the ſaid King, and was made Perpetual by an *Act* of the 3d and 4th of Queen ANNE.

In the 7th and 8th Years of the Reign of King *William* the Third, in an *Act* for accepting the *Solemn Affirmation* of the People called *Quakers*, like Remedy is provided for the Recovery of *Tythes* and *Church-Rates* from *Quakers* who ſhall refuſe to pay the ſame, the Sum not exceeding *Ten Pounds*; which Act being Temporary, was continued by a ſubſequent Act; and was by an Act of the

the 1st of King *George* the First, extended to all *Rates*, *Customary* or other *Rights*, *Dues*, or *Payments*, belonging to any *Church* or *Chapel*, to be paid for the Maintenance of any *Minister* or *Curate* in any *Church* or *Chapel*.

These Acts, 'tis humbly conceived, were intended not only for the Ease of the Prosecutor, but also to prevent oppressive and ruinous Prosecutions.

Notwithstanding which, there have been prosecuted in the *Exchequer*, *Ecclesiastical*, and other *Courts*, in *England* and *Wales*; for Demands recoverable by the said Acts, above Eleven Hundred of the People called *Quakers*, of whom near Three hundred were committed to Prison, and several of them died Prisoners.

These Prosecutions, though frequently commenced for Trivial Sums, from *Four Pence* to *Five Shillings*, and great Part of them for Sums not exceeding *Forty Shillings*, have been attended with such heavy Costs, and rigorous Executions, that about *Eight hundred Pounds* have been taken from Ten of them, where the original Demand, did not amount to *Fifteen Pounds*.

By such Prosecutions, the favourable Intent of the aforesaid Acts is in a great measure frustrated, and many of the said People suffer,

as if no ſuch Laws were in Being: Though Chriſtian Charity muſt admit, that their Refuſal of ſuch Demands is purely Conſcientious; ſince no rational Man, conſidering his Circumſtances and Family, would incur ſuch ſevere Sufferings on any other Account.

'Tis therefore humbly ſubmitted, Whether ſuch Proſecutions, frequently attended with *Excommunications* and *Impriſonments*, be not *Grievances* which call for *Redreſs*; and whether it be not reaſonable to *Reſtrain* the Proſecutors from Proceedings ſo *Ruinous* and *Deſtructive*.

A Supplemental EXTRACT *from the* Quakers *yearly Epiſtles relating to their Sufferings.*

" THE * Amount of Friends Sufferings
" in *England* and *Wales* brought in this
" Year, which are as uſual for Tythes
" and Church-rates, ſo called, is Three
" thouſand three hundred and five
" Pounds and upwards; and there is one Friend
" a Priſoner on that Account."

† " The Account of the Sufferings of Friends in
" *England* and *Wales* brought in this Year, amount
" to Three thouſand four hundred and nineteen
" Pounds and upwards; *chiefly* for Tythes and
" Church-rates, ſo called. One Friend hath been
" diſcharged out of Priſon ſince laſt yearly Meeting,
" and three remain Priſoners on that Account."

‖ " The Account of Friends Sufferings in *Eng-*
" *land* and *Wales* brought in this Year, being
" chiefly for Tythes and Church-rates, ſo called,
" amount to Three thouſand four hundred and
" fifty eight Pounds and upwards. Two Friends

* From *Epiſtle* 1731. † *Epiſt.* 1732. ‖ *Epiſt.* 1733.

" have been discharged out of Prison last Year,
" and two are now remaining Prisoners."

* " The Accounts of Friends Sufferings in *Great-*
" *Britain* brought in this Year, being chiefly for
" Tythes and Church-rates, so called, amount to
" Three thousand one hundred eighty-eight
" Pounds and upwards; and those in *Ireland*, to
" One thousand five hundred and eighty-five
" Pounds. One Friend has been discharged out
" of Prison since last Year; and one yet remains
" a Prisoner on account of Tythes."

† " The Amount of Friends Sufferings in *Eng-*
" *land* and *Wales* brought in this Year, being chiefly
" for Tythes and Church-rates, so called, is Three
" thousand five hundred and forty-five Pounds
" and upwards; and in *Ireland*, One thousand five
" hundred, and thirty-four Pounds and upwards,
" making together above Five thousand and eighty
" Pounds. And one Friend is continued a Prisoner
" on account of Tythes."

In the first of these Accounts the whole Amount of their Sufferings is placed to the Account of Tythes and Church-rates; and in the other four they are said to be *chiefly* on account of Tythes and Church-rates: How much is to be deducted for other *Grievances*, or what the other *Grievances* are, I know not, probably the *Quakers* may soon call for further Relief, and then they will be explained.

But the Sums are large, in no Year so little as Three thousand Pounds, and this being all placed to the Head of *Suffering*, one would suppose it was

* *Epist.* 1734. † *Epist.* 1735.

spent

ſpent in Law and Gaolers Fees: But the Caſe is far otherwiſe. It appears by their Letters *, that the principal Sums recovered for Tythes and Church-rates are included in theſe groſs Sums.

If the Caſe is ſo, as it plainly is, their Accounts ſhew, not how much they have *ſuffered*, but of how much they would have *defrauded* the Parſon and the Pariſh, if the Law had not interpoſed. And when they make up their next Account, if they would deal clearly, they ſhould make the Parſon and the Pariſh *Sufferers*; for the Perſon, who is forced to go to Law for *his own*, is the *Sufferer*, and not the Perſon who is forced to pay but what he ought to pay.

The Sums in theſe ſeveral Years being ſo near the ſame, it creates a Suſpicion, that the ſame Perſons are yearly concerned, as Sufferers in this Caſe; and perhaps it would afford Ground to calculate how many *Quakers* obſtinately refuſe to pay Tythe and Church-rates in *Great-Britain*; for by their Method, even the Money recovered before the Juſtices by the 7th and 8th of King *William*, muſt be brought to this Account of Suffering.

For the two laſt Years, there appears to be but *one* Quaker Priſoner for Tythes in the *two* Kingdoms of *Great-Britain* and *Ireland*; in no one of theſe Years above three; and could Accounts for five Years more backward be fairly examined, the Caſe would probably be much the ſame.

The Quakers in the *Country* ſhould obſerve, that their Friends at the yearly Meeting, who call upon

* In 1687, 1693, 1689.

them

them so often and so earnestly, to suffer all Extremities rather than pay Tythes, are themselves generally *Merchants* and *Traders* in the great Cities and Towns, and have *no Tythes* to pay, and therefore are in no danger of bearing any Share of the Burden, and I have not heard of any of *those* in Prison for *Church-rates*: They pay their Taxes and Customs like other People, and exhort the poor Farmers to die in Prison rather than pay their Tythes and Church-rates, though equally due, and by the same Law of the Land. I think Country Friends have reason to complain.

F I N I S.